



General Assembly

February Session, 2008

Raised Bill No. 385

LCO No. 1715

* SB00385AGEPH_030408 *

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-521a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) The Department of Public Health shall, whenever possible,
4 conduct dual inspections of chronic and convalescent nursing homes
5 or rest homes with nursing supervision when an inspection of such a
6 facility is necessary for the purpose of the facility's maintaining state
7 licensure and certification for participation in the Title XIX Medicaid
8 program or the Title XVIII Medicare program, provided such dual
9 inspections shall be conducted in not less than [fifty per cent of such
10 facilities. On and after January 1, 1993, the department shall conduct
11 such dual inspections in not less than] seventy per cent of such
12 facilities. [On and after June 3, 2003, such] Such dual inspections shall
13 not be disclosed to such facility before such inspection and shall be
14 conducted on a random basis, as to date and time of day.

15 (b) Prior to any inspection of a chronic and convalescent nursing
16 home or a rest home with nursing supervision conducted under

17 subsection (a) of this section, the department shall calculate the annual
 18 number of working hours for all registered nurses, licensed practical
 19 nurses and nurse's aides staffing such facility and the total resident
 20 days for such facility based on the most recent report to the
 21 Commissioner of Social Services pursuant to section 17b-340 of the
 22 2008 supplement to the general statutes. The department shall use such
 23 information to calculate an average daily staff-to-resident ratio for
 24 such facility. The department shall compare such ratio to the actual
 25 nursing staff levels of such facility during such inspection.

26 (c) At the time of any inspection of a chronic and convalescent
 27 nursing home or a rest home with nursing supervision conducted
 28 under subsection (a) of this section, the department shall assess
 29 residents' care needs to ensure that sufficient numbers and levels of
 30 nurses licensed under chapter 378 and nurse's aides are provided by
 31 such facility to meet required residents' care needs. Such assessment
 32 shall be based on the 1995 and 1997 Staff Time Measurement (STM)
 33 Studies, published by the federal Centers for Medicare and Medicaid
 34 Services, that determine the nursing minutes needed to care for each
 35 resident as ranked in the Resource Utilization Group-III, resident
 36 classification system, provided the department shall update the basis
 37 of such assessment upon the publication of the 2008 Staff Time and
 38 Resource Intensity Verification (STRIVE) Project, or any subsequent
 39 version of the federal staff time measurement study or any subsequent
 40 reclassification of such resource utilization group. In making such
 41 assessment of residents' care needs, the department shall use the data
 42 results of the last full resident assessment of such facility as required
 43 by the federal Centers for Medicare and Medicaid Services Minimum
 44 Data Set. The department shall compare the total number of care hours
 45 required by the category scores for such resource utilization group to
 46 the amount of care actually provided by such licensed nurses and
 47 nurse's aides at such facility. If such total number of care hours
 48 actually provided is less than such number of care hours required by
 49 the Resource Utilization Group-III, the department shall review the
 50 methodology used by such facility to determine the number,

51 experience and qualifications of nursing personnel necessary to meet
 52 residents' care needs.

53 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) As used in this section, (1)
 54 "direct care" means hands-on-care provided to residents of nursing
 55 home facilities, including, but not limited to, feeding, bathing,
 56 toileting, dressing, lifting and moving such residents, but does not
 57 include food preparation, housekeeping or laundry services, except
 58 when such services are required to meet the needs of any such resident
 59 on an individual situational basis. Direct care shall not include care
 60 provided by paid feeding assistants, as defined in 42 CFR 488.301; and
 61 (2) "nursing home facility" means a chronic and convalescent nursing
 62 home or rest home with nursing supervision; and (3) except as
 63 provided in subsection (c) of this section, "licensed nurse" means a
 64 person licensed under chapter 378 of the general statutes, as a
 65 registered nurse, advanced practice registered nurse or a licensed
 66 practical nurse.

67 (b) On and after January 1, 2009, each nursing home facility shall
 68 maintain aggregate licensed nurse and nurse's aide staffing levels at or
 69 above the following standards:

70 (1) Over a twenty-four-hour period, such facility shall provide not
 71 less than 2.32 hours of direct care and services per resident given by
 72 nurse's aides;

73 (2) Over a twenty-four-hour period, such facility shall provide not
 74 less than 1.18 hours of direct care and services per resident by licensed
 75 nurses.

76 (c) The director of nurses for any nursing home facility with a
 77 licensed bed capacity of sixty-one or greater shall not be included in
 78 meeting the requirements for direct care and services given by licensed
 79 nurses pursuant to subdivision (2) of subsection (b) of this section. Any
 80 such facility with a licensed bed capacity of one hundred twenty-one
 81 or greater shall employ a full-time assistant director of nurses who

82 shall not be included in meeting the requirements for direct care and
 83 services given by licensed nurses pursuant to subdivision (2) of
 84 subsection (b) of this section.

85 (d) Any nursing home facility that fails to comply with the
 86 minimum staffing requirements of subsection (b) of this section on any
 87 day shall submit a report to the department, identifying the day on
 88 which and the shift during which such noncompliance occurred and
 89 specifying the reasons for and circumstances surrounding such
 90 noncompliance. The report required by this subdivision shall be
 91 submitted on a quarterly basis. If such facility fails to submit any
 92 report required by this subdivision or intentionally misrepresents the
 93 information contained in any such report, or if the commissioner
 94 determines that there is sufficient evidence to support a finding that
 95 there exists a pattern of noncompliance by such facility with the
 96 minimum staffing requirements of subsection (b) of this subsection, the
 97 commissioner shall take action against such facility authorized under
 98 section 19a-524 of the general statutes or any other provision of the
 99 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	19a-521a
Sec. 2	<i>July 1, 2008</i>	New section

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Joint Favorable C/R

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